

FLIGHT ATTENDANT DUTY TIME ACT

JUNE 24, 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROE, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 14]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 14) to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flight Attendant Duty Time Act".

SEC. 2. AMENDMENT TO THE FEDERAL AVIATION ACT.

(a) IN GENERAL.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421-1433) is amended by adding at the end thereof the following new section:

"SEC. 614. DUTY TIME OF FLIGHT ATTENDANTS.

"(a) RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding for the purpose of establishing limitations on duty time for flight attendants, including minimum rest requirements.

"(b) FINAL REGULATIONS.—Except in any case in which the prohibitions referred to in subsection (c) take effect, the Secretary shall issue, not later than 240 days after the date of the enactment of this Act, final regulations establishing limitations on duty time for flight attendants, including minimum rest requirements as follows:

"(1) For domestic flights, a maximum of 14 hours of actual duty time and a minimum of at least 10 consecutive hours of rest after each duty period.

"(2) For international flights, a maximum of 16 hours of actual duty time and minimum of at least 12 consecutive hours of rest after each duty period.

"(3) For a long-range international nonstop flight, a maximum period of actual duty time no more than 4 hours greater than the scheduled duty time,

with a maximum period of actual duty time no greater than 20 hours and a minimum consecutive rest period (after such duty period) equal to at least twice the scheduled flight time.

"(4) For all flight attendants, a minimum of eight 24 consecutive hour periods of rest at their domicile per calendar month, including at least one 24 hour consecutive period of rest within every 7 calendar days.

"(5) For all flight attendants, at least a continuous 1 hour rest break on any flight or segment thereof scheduled for 8 hours or more of flight time in a designated rest area.

"(c) **MANDATED PROHIBITIONS.**—If the Secretary does not initiate a rulemaking proceeding under subsection (a) before the 60th day following the date of the enactment of this Act or does not issue final regulations under subsection (b) before the 240th day following such date of enactment, no air-carrier may after such date operate an aircraft using a flight attendant who has been on duty more hours, or who has had fewer hours of rest, than those required by paragraphs (1) through (5) of subsection (b).

"(d) **MODIFICATION OF MANDATED PROHIBITIONS.**—The Secretary may issue regulations modifying the prohibitions contained in paragraphs (1) through (5) of subsection (b) if the Secretary determines that such modifications are in the interest of safety and transmits a copy of the modifying regulations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The modifying regulations may not take effect until the expiration of the 90-day period beginning on the date of the transmittal of the modifying regulations to such committees.

"(e) **DEFINITIONS.**—In this section, the following definitions apply:

"(1) **AIR CARRIER.** The term 'air carrier' means any air carrier which is subject to the provisions of part 121 or part 135 of title 14 of the Code of Federal Regulations.

"(2) **DEBRIEFING TIME.**—The term 'debriefing time' means a time period of at least 30 minutes for domestic flight and of at least 45 minutes for international flight after the block-in time of the last flight or segment of a flight.

"(3) **DESIGNATED REST AREA.**—The term 'designated rest area' means a passenger seat of an aircraft assigned for crew rest purposes.

"(4) **DOMESTIC FLIGHT.**—The term 'domestic flight' means any flight or segment of a flight worked by a flight attendant totally within the 48 contiguous States and the District of Columbia.

"(5) **DUTY TIME.**—The term 'duty time' means all time worked for an air carrier at any place and in any capacity and, with respect to flying, shall begin at the required report time and shall end at the conclusion of the debriefing time, or when released by the carrier, whichever is later. Duty time accrues until the crewmember is given a required rest period by the carrier. Time spent dead-heading, either on an aircraft or by surface transportation, to or from an assignment by an air carrier, time spent ferrying, and time spent attending meetings and training shall also be considered duty time. Duty time continues—

"(A) throughout a rest period of a shorter duration than that contained in subsection (b)(1), (b)(2), or (b)(3), as the case may be; and

"(B) during in-flight rest periods contained in subsection (b)(5).

"(6) **INTERNATIONAL FLIGHT.**—The term 'international flight' means any flight or segment thereof worked by a flight attendant for which a take off or landing is scheduled outside the 48 contiguous States and the District of Columbia.

"(7) **LONG-RANGE INTERNATIONAL NONSTOP FLIGHT.**—The term 'long-range international nonstop flight' means a single nonstop international flight scheduled for 8 hours or more of flight time.

"(8) **REPORT TIME.**—The term 'report time' means a time period of at least 30 minutes prior to the scheduled departure time of the first flight or segment of a flight in a flight attendant's duty period or the time the flight attendant is required to report to work, whichever is earlier.

"(9) **REST.**—The term 'rest' means uninterrupted time free from all duty.

"(10) **SCHEDULED FLIGHT TIME.**—The term 'scheduled flight time' means the elapsed time of a flight of an air carrier based on the times shown in schedules published for the air carrier.

"(11) **SECRETARY.**—The term 'Secretary' means the Secretary of Transportation.

"(f) **TREATMENT OF DUTY PERIOD WITH DOMESTIC AND INTERNATIONAL FLIGHT SEGMENTS.**—A duty period with both domestic and international flight segments shall be treated as international flying for the purpose of calculating duty and rest requirements under this section if the majority of the flight time during that duty

period is on an international segment and domestic flying if the majority of the flight time during that duty period is on a domestic segment."

(b) CONFORMING AMENDMENT.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title VI the following:

"Sec. 614. Duty time of flight attendants.

"(a) Rulemaking proceeding.

"(b) Final regulations.

"(c) Mandated prohibitions.

"(d) Modification of mandated prohibitions.

"(e) Definitions.

"(f) Treatment of duty period with domestic and international flight segments."

BACKGROUND

Fatigue among airline employees is a serious safety problem, and is recognized as such by the aviation industry. To prevent accidents due to fatigue, the Federal Aviation Administration has established limitations on the uninterrupted duty times of, and imposed minimum rest periods for, pilots, flight engineers, flight navigators, air traffic controllers, mechanics, and dispatchers. Even though flight attendants have important safety responsibilities, FAA and the Department of Transportation have refused to establish limits on the hours flight attendants may be on duty.

In evaluating flight attendant fatigue, it is not enough to consider the hours flight attendants spend on board aircraft. For flight attendants, "duty periods" run from the time the flight attendant reports for duty at the airport until he or she is released by the carrier at the end of the flight or series of flights. Such a period includes time waiting at airports prior to or between flights, and any paperwork required after the last flight. "Rest periods" run from the time a flight attendant signs out to the time he or she returns to the airport. It includes time in transit between airport and hotel, meals, attending to personal needs, and sleep. An 8-hour rest period usually yields no more than 4 to 5 hours of sleep. Flight attendants may fly "trips" of several days, through numerous time zones, with many landings and departures. Jet lag, combined with rotating shifts, changing time zones and limited sleep, exacerbate the fatigue created by a series of work days that can last from 12 or 14 hours to far longer, broken only by shortened rest periods.

The safety implications of this cumulative fatigue for flight attendant performance has forced the Committee to move ahead with legislation, in the face of the Department of Transportation's persistent refusal to provide for flight attendants the protection provided for airline flight crews, air traffic controllers, and dispatchers.

HISTORY OF THE LEGISLATION

Limited duty and rest periods, to prevent fatigue, were established for pilots, flight engineers, flight navigators, air traffic controllers, mechanics and dispatchers as the industry matured. Flight attendants have never been included in such regulations.

From the 1970s on, flight attendants have urged the FAA to include them in these protections, and the FAA has, on paper, appeared agreeable. In a letter of April 21, 1978, the Acting Director for the Flight Standards Service informed the Independent Federation of Flight Attendants that "The Federal Aviation Administra-

tion plans to issue an NPRM on flight attendant flight and duty time limitations and rest requirements by the end of this year." Again in January, 1980, the Acting Chief of Safety Regulations Staff wrote to IFFA, "[Flight attendant flight and duty time] is embodied in Operations Review Notice No. 14 which presently is scheduled for issuance in late August 1980." Despite these pledges, no rule has ever been promulgated.

In 1984 and 1985, respectively, the Association of Flight Attendants and the Joint Council of Flight Attendant Unions petitioned the FAA to establish maximum duty time limits and minimum hours of rest for flight attendants.

The FAA denied the petitions on January 23, 1989.

H.R. 638 was subsequently introduced in the 101st Congress, requiring FAA to promulgate duty time limits, and legislatively establishing "fall-back" limitations should FAA fail to do so.

The Subcommittee on Aviation held a hearing on H.R. 638 in March, 1989. At that hearing the FAA announced its intention to conduct a study to determine whether federal regulations were justified. The study was completed in September, 1989. FAA concluded from that study that limitations should be set, wrote a proposed rule, and in July, 1990, sent it forward to the Department of Transportation.

While assuring Congress that the draft regulations were under active consideration, DOT took no further action.

H.R. 14 was therefore introduced at the outset of the 102nd Congress.

The Subcommittee on Aviation held a hearing on H.R. 14 on March 13, 1991. At that hearing, the Department sent an FAA witness to inform the Committee that "based on the absence of demonstrable, quantifiable benefits to the traveling public that would offset the clear costs of a rule, the Administration has concluded that rulemaking is not warranted."

DOT was, in effect, second-guessing the safety-related judgment of FAA, opposing both the rule developed by FAA, and the legislation introduced in Congress.

NEED FOR LEGISLATION

THE PRIMACY OF SAFETY

Flight attendants are considered by FAA to be safety employees for purposes of alcohol consumption prohibitions, and are subject to drug testing, which DOT requires only of safety-related employees.

Flight attendants' safety responsibilities range from providing routine pre-flight briefings to emergency evacuations. They must know the procedures to follow in the event of an emergency, such as operating ditching and evacuation equipment, and using first aid equipment, and fire extinguishers. In the event of an evacuation, they must determine which exits to use after assessing dangerous external conditions. They must open the exit doors and deploy the slides, which may be damaged or malfunctioning. They must direct and redirect the passengers safely out the exits. They must be able to cope with rapid depressurization, cabin fires, evacuation of passengers, passenger illness or injury, skyjacking attempts, bomb threats, and other unusual situations. Equally impor-

tant, they must stay alert throughout the flight for any signs of an impending emergency in the cabin.

Illustrative of the need for this constant alertness is a one-month report, from one airline, which tabulates over 29 accidents and incidents, including 16 medical emergencies, most of which required hospitalization at the end of the flight; 5 cases of passenger misconduct, including one passenger wielding a knife; and several equipment problems some of which required a return to the originating airport.

In-flight emergencies are not rare events, but everyday happenings in the course of a flight attendant day. Clearly, flight attendants must be wide awake at all times.

THE FATIGUE FACTOR

As mentioned above, FAA recognizes that fatigue is an adverse safety factor, and has imposed duty and rest periods for flight crews, air traffic controllers and dispatchers. DOT has resolutely denied such protection to flight attendants.

The National Transportation Safety Board, on the other hand, supported the flight attendants' 1985 petition, and urged FAA to initiate rulemaking as soon as practical. In testimony submitted to the Subcommittee, the NTSB stated that "the Safety Board frequently has acknowledged the importance of flight attendants with regard to passenger safety and supports the principle underlying H.R. 14 to ensure that flight attendants have adequate rest * * * The positive and sometimes extraordinary actions of flight attendants who prevented passenger injuries or deaths following accidents have been addressed in numerous Safety Board investigation reports."

NTSB has many times identified fatigue as a contributory factor in rail, highway and marine accidents (including the *Exxon Valdez* grounding and subsequent oil spill in Alaska). The Board has recommended that DOT expedite a coordinated research program on the effects of fatigue, and review and upgrade regulations governing hours of service for all transportation modes to assure that they are consistent and that they incorporate the results of the latest research on fatigue and sleep issues.

The matter of excessive duty time is not hypothetical. FAA has advised the Committee of cases in which flight attendants have been required to work for as long as 24 consecutive hours, and given rest periods as short as 6 hours. In the accident involving Galaxy Airlines in Reno, Nevada, in 1985, the National Transportation Safety Board investigation disclosed that at the time of the accident, two flight attendants had been on duty for over 18 hours and were scheduled to continue on duty for an additional seven hours.

Witnesses at the Subcommittee's hearings in 1989 and 1991 testified to numerous duty periods of 33, 35 and even 53 hours with little if any rest. Where collective bargaining exists, contracts are generally similar to the provisions of H.R. 14. Other carriers are governed by guidelines or rules. However, nothing prevents an airline from requiring the flight attendant to work far longer than the rules or guidelines permit. Even contract violations can only be

submitted to the grievance process, which provides little if any ex post facto satisfaction, or rest, to the flight attendant. Some airlines have no agreements or guidelines to protect their flight attendants.

The FAA's study, "Report on the Study of Current Industry Practice, Flight Attendant Flight, Duty and Rest Times," reviewed flight attendant one-month work records at 5 major, 4 national, 7 regional and 5 supplemental carriers. The study found industry-wide flight attendant duty and rest problems, including at least 74 cases of domestic duty hours exceeding a 14-hour limit in the major carriers alone. Data on regional carriers identified 140 cases exceeding the same 14-hour domestic limit. Overall, the report found over 200 cases in excess of the 14-hour limit at only 12 major and regional carriers.

The same study also found problems in the rest period area, citing over 100 cases, at 11 carriers, of rest periods of less than 8 hours.

The FAA's study also found that 23 countries have established duty time limitations for flight attendants.

COSTS AND BENEFITS

The FAA, in its internal regulatory evaluation of its own NPRM, recognized the difficulty of evaluating the costs and benefits of the proposed rule in monetary terms. Had the NPRM been published, it would have asked for information related to costs and benefits.

In deciding that the proposed rule was justified, FAA stated that:

A qualitative approach is used to analyze potential future benefits. This approach examines a range of factors that provide a broad perspective of potential benefits. This proposal is proactive rather than reactive. That is, the FAA is proposing to act to prevent a safety problem from occurring when the earliest symptoms appear. In this case, the symptom is excessive flight and duty time and reduced rest for flight attendants. This potentially creates a safety problem because it could impede flight attendants' performance during emergency evacuations or during routine safety duties requiring a high degree of alertness.

* * * * *

Even though no studies have been performed to find a direct correlation between flight attendant duty time and adequate rest and flight attendant performance in accidents and incidents, a link between extreme cases of inadequate rest and performance degradation is believed to exist. The FAA is proposing a regulation aimed at preventing such inadequate rest to help minimize injuries to passengers and crewmembers over time, based on the need for flight attendants to maintain increased alertness and judgment as well as performance of gross motor skills.

The FAA's evaluation concluded that "Based on qualitative evaluation of the proposal, the FAA believes that the proposal is cost-beneficial. The FAA concludes that the proposed rule changes * * * contained in this Notice are warranted because they would

contribute to an overall enhancement of transport category airplane safety and utility that would both promote and enhance the U.S. air transportation system."

The Committee does not understand, therefore, DOT's finding of an "absence of demonstrable, quantifiable benefits to the traveling public" of H.R. 14 as a reason to oppose the bill and, presumably, the draft rule as well.¹

The Committee is aware that some flight attendants oppose the provisions of H.R. 14. It is important to note that flight attendants representing 70,000 of the 83,000 U.S. flight attendants testified at Subcommittee hearings in support of the bill. While the opposition of a small minority of flight attendants cannot be totally dismissed, this opposition when analyzed appears to stem from concern for the impact on their private lives. The Committee finds no reason to believe that they are less fatigued, or more able to cope with emergencies, than their colleagues who support the bill.

Some critics have termed this issue one of labor/management relations rather than safety. The Committee responds that pilots, air traffic controllers, mechanics, and other employees covered by collective bargaining are also covered by duty and rest period regulations.

The Committee also notes that the Air Line Pilots Association last year filed a Petition for Rulemaking with the FAA requesting an increase, to 10 hours, in the minimum rest periods for flight crewmembers scheduled to fly less than 8 hours in a 24-hour period, with at least 8 hours in a rest facility. Further, ALPA requested a duty limitation of no more than 14 hours in any 24 consecutive hour period, and that flight crewmembers be given one calendar day free of duty every seven calendar days. These proposals track the periods in H.R. 14.

FAA, in its evaluation of its proposed rule, stated that data from 1975 through 1989 indicate that approximately 38,000 passengers were aboard aircraft involved in evacuations or evacuation-related occurrences. Fortunately, in each case the flight attendants were able to carry out their responsibilities. While the Committee has every expectation that they will continue to do so, the Committee has no interest in continuing to rely on adrenaline alone to save passengers and crew in the event of emergency. The Committee feels that adequate rest is a far better guarantee that the excellent safety performance of flight attendants will be continued.

That adequate rest would be provided by H.R. 14.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—The section provides that the Act may be cited as the "Flight Attendant Duty Time Act."

Section 2. Amendment to the Federal Aviation Act.—The section provides that not later than 60 days after date of enactment, the Secretary of transportation shall initiate a rulemaking proceeding to establish limitations on duty time for flight attendants. Not

¹ The FAA proposed rule had somewhat shorter rest periods than H.R. 14, which suggests that the safety benefits of H.R. 14 would be greater. For example, the FAA proposed rule required 9 hours rest (which could be reduced to 8 hours if a specified subsequent rest period was granted) for duty periods of up to 14 hours, while H.R. 14 requires 10 hours rest for these duty periods.

later than 240 days after enactment, the Secretary shall issue final regulations establishing limitations on duty time for flight attendants and minimum rest requirements. The following provisions shall be included in the final regulations:

1. For a domestic flight, a maximum of 14 hours of actual duty time and a minimum of at least 10 hours of rest after each duty period.

2. For an international flight, a maximum of 16 hours of actual duty time and a minimum of at least 12 consecutive hours of rest after each duty period.

3. For a long range international non-stop flight (defined as a single non-stop international flight scheduled for 8 hours or more of flight time) a maximum period of actual duty no more than 4 hours greater than the scheduled duty time, with a maximum period of actual duty time no greater than 20 hours, and a minimum consecutive rest period equal to at least twice the scheduled flight time.

4. For all flight attendants, a minimum of eight 24 hour consecutive rest periods at their domicile per calendar month, including at least one 24-hour consecutive period of rest within each 7 days.

5. For all flight attendants, at least one hour continuous rest break on any flight, or segment thereof, scheduled for eight or more hours of flight time.

If the Secretary does not initiate a rulemaking proceeding or issue final regulations within the time periods specified above, no air carrier may operate an aircraft using a flight attendant who has been on duty for more hours or has had fewer hours of rest than those required above.

The section further provides that the Secretary may issue regulations modifying the duty time and rest requirements specified above, if the Secretary determines that such modifications are in the interest of safety and transmits a copy of the modifying regulations to the Committees of jurisdiction. A modifying regulation may not take effect until the expiration of the 90 day period from the date of such transmittal. The intent of this provision is to permit modifications which, in and of themselves, would enhance the ability of flight attendants to carry out their safety responsibilities. The provision is not intended to permit modifications which would allow flight attendants to work more hours, on a theory that this would enhance safety by reducing the carriers' costs, permitting them to spend more on other safety measures.

The section defines duty time as all time worked for air carrier. With respect to flying, duty time begins at the required reporting time (defined as 30 minutes prior to departure time or the actual time the attendant is required to report to work, whichever is earlier) and ends at the conclusion of debriefing time (30 minutes after block in time for domestic flights and 45 minutes after block in time for international flights) or when the attendant is actually released by the carrier, whichever is later. The definition further provides that duty time accrues until the crew member is given a required rest period and that duty time continues throughout a rest period of shorter duration than required and during in-flight rest periods. Time spent deadheading (that is, travel by air or surface transportation after a flight attendant reports for duty) to or from

an assignment, ferrying, or attending meetings and training, shall also be considered duty time. A duty period with both domestic and international segments shall be treated as international flying if a majority of flight time during the duty period is international, and as domestic flying if a majority of flight time during the duty period is domestic.

COMMITTEE ACTION AND VOTE

With respect to clause 2(1)(2)(a) and (b) of rule XI of the Rules of the House of Representatives, the Committee, with a majority present favorably reported H.R. 14, as amended, by a voice vote on May 21, 1991.

Prior to the Committee's action, the Subcommittee on Aviation held hearings on the bill on March 13, 1991.

OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the Subcommittee on Investigation and Oversight has held no hearings of the subject of H.R. 14.

With respect to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter of the legislation.

CONGRESSIONAL BUDGET ACT REQUIREMENTS

With respect to clause 2(1)(3)(B) of the Rules of the House of Representatives, and in compliance with section 308(a) of the Congressional Budget Act of 1974, the Committee reports that H.R. 14 provides no new budget authority and no new or increased tax expenditures.

With respect to clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives the following report has been received from Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 3, 1991.

Hon. ROBERT A. ROE,
*Chairman, Committee on Public Works and Transportation,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 14, the Flight Attendant Duty Time Act, as ordered reported by the House Committee on Public Works and Transportation on May 21, 1991. CBO estimates that enactment of the bill would result in costs to the federal government of \$100,000 to \$200,000 annually, assuming appropriation of the necessary funds. H.R. 14 would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 14 would require the Secretary of Transportation, not later than 240 days after the date of enactment, to issue regulations establishing limitations on duty time for flight attendants, including

minimum rest requirements. Based on information from the Federal Aviation Administration, CBO estimates that enforcement of the new regulations would cost \$100,000 to \$200,000 annually. Costs associated with issuing the regulations would not be significant.

No costs would be incurred by state or local governments as a result of enactment of this bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mitchell Rosenfeld, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

INFLATIONARY IMPACT ANALYSIS

With respect to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee reports that there should be no inflationary impact on prices and costs in the operation of the national economy by enactment of H.R. 14.

COST ESTIMATE OF LEGISLATION

With respect to clause 7(A)(1) of rule XIII of the Rules of the House of Representatives, the Committee concurs in the cost estimate submitted by Congressional Budget Office.

With respect to clause 7(A)(2) of rule XIII of the Rules of the House of Representatives, the Committee reports that no cost estimate of H.R. 14 was submitted to the Committee by a government agency.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL AVIATION ACT OF 1958

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TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS

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Sec. 614. DUTY TIME OF FLIGHT ATTENDANTS.

(a) *RULEMAKING PROCEEDING.*—Not later than 60 days after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding for the purpose of establishing limitations on duty time for flight attendants, including minimum rest requirements.

(b) *FINAL REGULATIONS.*—Except in any case in which the prohibitions referred to in subsection (c) take effect, the Secretary shall issue, not later than 240 days after the date of the enactment of this Act, final regulations establishing limitations on duty time for flight attendants, including minimum rest requirements as follows:

(1) For domestic flights, a maximum of 14 hours of actual duty time and a minimum of at least 10 consecutive hours of rest after each duty period.

(2) For international flights, a maximum of 16 hours of actual duty time and minimum of at least 12 consecutive hours of rest after each duty period.

(3) For a long-range international nonstop flight, a maximum period of actual duty time no more than 4 hours greater than the scheduled duty time, with a maximum period of actual duty time no greater than 20 hours, and a minimum consecutive rest period (after such duty period) equal to at least twice the scheduled flight time.

(4) For all flight attendants, a minimum of eight 24 consecutive hour periods of rest at their domicile per calendar month, including at least one 24 hour consecutive period of rest within every 7 calendar days.

(5) For all flight attendants, at least a continuous 1 hour rest break on any flight or segment thereof scheduled for 8 hours or more of flight time in a designated rest area.

(c) *MANDATED PROHIBITIONS.*—If the Secretary does not initiate a rulemaking proceeding under subsection (a) before the 60th day following the date of the enactment of this Act or does not issue final regulations under subsection (b) before the 240th day following such date of enactment, no air carrier may after such date operate an aircraft using a flight attendant who has been on duty more hours, or who has had fewer hours of rest, than those required by paragraphs (1) through (5) of subsection (b).

(d) *MODIFICATION OF MANDATED PROHIBITIONS.*—The Secretary may issue regulations modifying the prohibitions contained in paragraphs (1) through (5) of subsection (b) if the Secretary determines that such modifications are in the interest of safety and transmits a copy of the modifying regulations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The modifying regulations may not take effect until the expiration of the 90-day period beginning on the date of the transmittal of the modifying regulations to such committees.

(e) *DEFINITIONS.*—In this section, the following definitions apply:

(1) **AIR CARRIER.**—The term “air carrier” means any air carrier which is subject to the provisions of part 121 or part 135 of title 14 of the Code of Federal Regulations.

(2) **DEBRIEFING TIME.**—The term “debriefing time” means a time period of at least 30 minutes for domestic flight and of at least 45 minutes for international flight after the block-in time of the last flight or segment of a flight.

(3) **DESIGNATED REST AREA.**—The term “designated rest area” means a passenger seat of an aircraft assigned for crew rest purposes.

(4) **DOMESTIC FLIGHT.**—The term “domestic flight” means any flight or segment of a flight worked by a flight attendant totally within the 48 contiguous States and the District of Columbia.

(5) **DUTY TIME.**—The term “duty time” means all time worked for an air carrier at any place and in any capacity and, with respect to flying, shall begin at the required report time and shall end at the conclusion of the debriefing time, or when released by the carrier, whichever is later. Duty time accrues until the crewmember is given a required rest period by the carrier. Time spent deadheading, either on an aircraft or by surface transportation, to or from an assignment by an air carrier, time spent ferrying, and time spent attending meetings and training shall also be considered duty time. Duty time continues—

(A) throughout a rest period of a shorter duration than that contained in subsection (b)(1), (b)(2), or (b)(3), as the case may be; and

(B) during in-flight rest periods contained in subsection (b)(5).

(6) **INTERNATIONAL FLIGHT.**—The term “international flight” means any flight or segment thereof worked by a flight attendant for which a take off or landing is scheduled outside the 48 contiguous States and the District of Columbia.

(7) **LONG-RANGE INTERNATIONAL NONSTOP FLIGHT.**—The term “long-range international nonstop flight” means a single non-stop international flight scheduled for 8 hours or more of flight time.

(8) **REPORT TIME.**—The term “report time” means a time period of at least 30 minutes prior to the scheduled departure time of the first flight or segment of a flight in a flight attendant’s duty period or the time the flight attendant is required to report to work, whichever is earlier.

(9) **REST.**—The term “rest” means uninterrupted time free from all duty.

(10) **SCHEDULED FLIGHT TIME.**—The term “scheduled flight time” means the elapsed time of a flight of an air carrier based on the time shown in schedules published for the air carrier.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(f) **TREATMENT OF DUTY PERIOD WITH DOMESTIC AND INTERNATIONAL FLIGHT SEGMENTS.**—A duty period with both domestic and international flight segments shall be treated as international flying for the purpose of calculating duty and rest requirements

under this section if the majority of the flight time during that duty period is on an international segment and domestic flying if the majority of the flight time during that duty period is on a domestic segment.

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